

# **SC Commission on Indigent Defense Voucher Payment Policy**

**Adopted by the Commission September 25, 2007,  
Revised: February 26, 2021**

## **I. CASE REGISTRATION AND VOUCHER PROCESSING**

### **A. Preparation to Submit Voucher**

#### **1. South Carolina Vendor Registration**

Every attorney or law firm must obtain a SC Vendor Identification Number (Vendor ID). The Vendor ID is the registration number issued to those doing business with the State of South Carolina issued by the State Procurement Office. The attorney may register for a Vendor ID using the link on the SCCID website when creating a User Account.

Once an attorney applies for a SC Vendor ID, the SC Comptroller General's Office requires a 72-hour waiting period to verify the ID number. The attorney will not be notified when the number is assigned, but must check periodically with the SC Vendor registration site to obtain the SC Vendor ID. Once the ID number is issued, the attorney can register for a SCCID User Account.

#### **2. Attorney Registration / SCCID Website User Account**

Every attorney who represents or expects to represent an indigent client pursuant to court appointment or any Indigent Defense Contract (formerly Rule 608 Contract) assignment must register online with SCCID ([www.sccid.sc.gov](http://www.sccid.sc.gov)) for a User Account, be approved, and be issued an attorney password. This registration is for the attorney and payee information and does not have to be reentered when the attorney registers a case. (When filling out the Payee portion of a voucher online, the Payee information must match the name and Vendor ID number as submitted on the W-9, or the system will reject the voucher). The User Account will be used to register case appointments, to submit fee/expense vouchers, and to enter time records.

3. Direct Deposit

Payments made by SCCID to attorneys are made by direct deposit only. The SC State Treasurer's Office will deposit payments directly into a bank account designated by the attorney. The attorney should complete the Electronic Vendor Payment Enrollment Form and submit the form to the State Treasurer's Office. This form may be found on the SCCID website or the State Treasurer's Office website ([www.treasurer.sc.gov](http://www.treasurer.sc.gov)).

**B. Case Appointment**

1. Case Registration for Appointed Counsel

Within 15 days of receiving notice of the appointment or assignment of any indigent defense case, counsel must register the case with SCCID online at [www.sccid.sc.gov](http://www.sccid.sc.gov). Additional documentation may be required by SCCID. Every court-appointed case must be registered even if the attorney does not intend to apply for payment of attorney fees and/or expenses. In addition to being an electronic voucher processing system, the system is also the exclusive data collection and tracking system for all indigent defense cases.

2. Order of Appointment

During the case-registration process, counsel is required to upload a copy of the Order of Appointment as verification of the appointment. Orders of Appointment must be signed by the court or clerk of court and filed with the clerk of court. For Indigent Defense Contract assignments, a case assignment letter from the Circuit Public Defender may serve as the Order of Appointment.

**C. Voucher Processing**

1. Submission of Voucher

Vouchers for payment of attorney fees, reimbursement for expenses, and approved expert services must be submitted online through the attorney's User Account on the SCCID website.

- a. Indigent Defense Contract Attorney Fees  
Vouchers for attorney fees for Indigent Defense Contract Attorneys are submitted automatically once the case is registered. While payment in these cases is paid to the attorney at the beginning of the case, the contract attorney must enter time sheets no later than 30 days after the conclusion of the representation.
- b. Non-Indigent Defense Contract Attorney fees  
Vouchers, time sheets and any other supporting documentation for payment must be submitted through the attorney's User Account on the SCCID website no later than thirty (30) days after the conclusion of the representation. The voucher processing system will calculate the amount due, and payment will be made if all information is in order. Attorney fees are not paid in advance or on an interim basis for attorney appointments in non-capital or non-criminal cases. Attorney fees for attorney appointments in capital cases may be billed on an interim basis.

**ALL VOUCHERS MUST BE RECEIVED BY SCCID IN CORRECT FORM NOT LATER THAN THIRTY (30) DAYS AFTER THE CONCLUSION OF THE REPRESENTATION.**

- c. Expert Services Invoices  
Vouchers along with detailed invoices for reimbursement for any experts, investigators, or other outside service providers must be submitted through the attorney's User Account on the SCCID website.
- 2. Disclosure of Other Compensation  
In accordance with S.C. Code Section 17-3-310(G)(2), S.C. Code Section 17-3-340(I)(9), and other applicable statutes, rules of court, regulations and any other authority that may apply, the Commission on Indigent Defense reaffirms its longstanding policy that all attorneys when seeking payment for indigent services must disclose to SCCID monies or compensation of any type received from any source in relation to that matter. This disclosure must include but is not

limited to funds received from the client, funds received from any source on the client's behalf, and funds from any other source received by counsel appointed to the case. This disclosure must specifically include any funds paid by or on behalf of an attorney and/or law firm to a substitute counsel for assuming the appointment of a case. Funds received by counsel from any source including those described above are considered compensation for representation of the indigent client, and the amount of reimbursement by SCCID will be reduced by the amount of funds paid by a client, or by any person on the client's behalf including any and all funds received from a previous attorney for current counsel agreeing to assume an appointment. By action of the Commission on November 19, 2012, this policy reaffirms existing policies and procedures that are required for completion, filing, and payment of a voucher as set forth on the voucher form.

3. Status of Voucher

After submission of a voucher, attorneys can check the status of the processing of the voucher by logging into the User Account. The status of the voucher will be one of the following:

- a. INTERIM PENDING - Voucher submitted but not approved yet
- b. INTERIM PAID – Voucher paid but case not closed (608 cases only)
- c. FINAL PAID – Voucher has been paid and the case is closed
- d. HOLD – Voucher is being processed for payment
- e. REQUESTED DOCUMENTS – Additional documents needed. An email would have been sent to attorney, at email address on your SCCID user account, regarding needed documents
- f. SUBMITTED TO THE CG – Voucher is with Comptroller to be paid
- g. PAID

- h. UNLOCKED – The attorney is emailed the reason why the voucher cannot be processed.

4. Objections to Voucher

- a. If no objection is made to the reasonableness of the request and the amount requested is within the hourly rates and statutory caps, SCCID is authorized to make payment of the requested amount without further action of the Court. However, in accordance with SC Code section 17-3-50 and Budget Provisos 61.1 and 61.4, any expense, whether below the statutory cap or not, must have prior written approval of the trial court (including but not limited to experts and other services as outlined in Section III.) SCCID will not pay any expenses not approved by written order of the court prior to the expense being incurred under any circumstances.
- b. If SCCID objects to the reasonableness of the amount requested or if for some other reason SCCID determines the voucher is not in order, SCCID will notify the trial court and counsel of any objection and will forward the voucher, timesheet and any other submitted materials to the trial court in writing or electronically. Upon submission of the documentation, the trial court may determine the matter with or without a hearing in its discretion. SCCID will then pay such amount as the trial court may authorize.
- c. SCCID, along with S.C. Court Administration, subject to the approval of the Chief Justice or the Supreme Court, may establish such additional procedures for the electronic payment of fees and costs to minimize delay and to facilitate the administration of the Indigent Defense Chapter of the Code.

Nothing herein shall preclude the trial court from taking immediate action on ex-parte requests for fees and costs during the pendency of a case as may be authorized by statute or court rule.

## 5. Time Sheets

- a. Appointed counsel must electronically submit time sheets that specify the time spent in-court and out-of-court with a brief explanation of the of the work performed. Time sheets must be entered within 30 days of the conclusion of representation.
- b. “In-court” time is that time for which appointed counsel is required to be present the courtroom and appears before a judicial officer for the purposes of a particular case to which counsel has been appointed. “In court” time includes jury qualification and roll calls that pertain specifically to the client’s case.
- c. “Out-of-court” time is any time spent by counsel in the preparation of a case and includes: plea negotiations, travel time, research, interviews, observing co-defendants’ trial, and time spent waiting for a trial or hearing to begin.
- d. If waiting for multiple trials or hearings for one or more defendants to be held on the same day, counsel may only bill once for the time spent waiting.
- e. Time spent on a case whether “in-court” or “out-of-court” must be the actual time spent in the particular activity computed to the nearest one-tenth (.1) of an hour.
- f. “Fixed Time” for activities will not be allowed. Examples of fixed time are “.5 hours” for every letter written or email sent, “.25 hours” for all telephone calls, etc.
- g. The activity claimed actually must be performed by the attorney. Counsel may not claim time spent by clerical staff preparing documents and other work.

## II. ATTORNEY FEES AND EXPENSES

### A. Maximum Limits

1. Statutes and Budget Provisos<sup>1</sup> establish maximum limits for fees and expenses in indigent defense cases. The limits are as follows:

Case Type	Attorney Fees	In Court Time	Out of Court Time	Expenses	Authority
Death Penalty Trial	\$25,000 / \$10,000	\$75.00	\$50.00	\$20,000	§16-3-26
Death Penalty Appeal	\$10,000	\$75.00	\$50.00		Proviso 61.3
Felony Trial	\$3,500	\$60.00	\$40.00	\$500.00	§ 17-3-50 and Proviso 61.4
Felony Appeal	\$3,500	\$60.00	\$40.00		Proviso 61.3
Misdemeanor	\$1,000	\$60.00	\$40.00	\$500.00	§ 17-3-50 and Proviso 61.4
Post Conviction Relief	\$1,000	\$60.00	\$40.00	\$500.00	§17-27-60; §17-3-50 and Proviso 61.4
PCR Appeal	\$3,500	\$60.00	\$40.00		Proviso 61.3
DNA Post Conviction Relief	\$1,000	\$60.00	\$40.00	\$500.00	§17-27-60; §17-3-50 and Proviso 61.4
Termination of Parental Rights	\$2,000	\$50.00	\$50.00	\$500.00	Proviso 61.4
TPR Appeal	\$3,500	\$60.00	\$40.00		Proviso 61.3
Abuse and Neglect	\$2,000	\$50.00	\$50.00	\$500.00	Proviso 61.4
Sexual Violent Predator	\$2,000	\$50.00	\$50.00	\$500.00	Proviso 61.4
SVP Appeal	\$3,500	\$60.00	\$40.00		Proviso 61.3

2. Provisos 61.4 and 61.11 authorize SCCID to retain attorneys on a contractual basis for a flat fee. The maximum limits are controlled by the contracts for those cases.

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<sup>1</sup> The General Assembly issues budget provisos annually as part of the State's Appropriations Act. Budget Provisos supersedes statutory language during that fiscal year.

## **B. Authorization to Exceed Rates/Caps**

1. In accordance with the Budget Provisos of the State Appropriations Act, reimbursement in excess of the hourly rate and limits therein is authorized only if the court certifies, in a written order with specific findings of fact, prior to the fees being incurred, that reimbursement in excess of the rates or limit is necessary to provide reimbursement adequate to ensure effective assistance of counsel and reimbursement in excess of the limit is appropriate because the services to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees shall be paid under any circumstances.
2. Further, whether or not additional fees are necessary to ensure effective assistance of counsel is an issue that should be determined with reference to the facts of a particular case. Payment in excess of the statutory rates should not be authorized as a matter of course for all appointed cases or for all of a particular attorney's appointment cases.
3. In determining whether additional fees are reasonable and necessary, judges should require the requesting party to show a substantial factual basis for the contention the party seeks to prove by the use of the services and that the services are integral to the building of an effective defense. In addition, where the party seeks funding for services of a specific provider, the party should be required to show why the services must be provided by that specific provider.

Judges may ask SCCID to participate in the hearing on a request for additional expenses or legal fees to provide information concerning expenses and legal fees awarded in similar cases.

4. Attorney fees for Indigent Defense Contract Attorneys are set and controlled by the contract between SCCID and the attorney.



### **C. Advance Payment of Funds for Attorney Fees**

With the exception of pre-payment of attorney fees for Indigent Defense Contract Attorneys (pursuant to the terms of the contract), SCCID does not pay attorney fees in advance or upon appointment. Attorney fees are paid at the conclusion of the representation in a non-capital case. In a capital case, attorney fees may be by interim voucher submission.

### **D. Reimbursable Expenses for Appointed Counsel**

1. There is a \$500 limit on expenses in all civil and criminal cases, except capital cases, in which the limit is \$20,000. Payment in excess of the expense limit is authorized only if the court certifies, in a written order with specific findings of fact prior to the expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. If prior approval by written order of the court is not obtained, no additional expenses will be paid under any circumstances.
2. When submitting vouchers for necessary expenses to SCCID, counsel must also submit a copy of the order approving the expenditure setting out the total amount allowed and copies of invoices documenting the claims. By submitting the voucher for payment, counsel certifies that the services were performed and that the amount is fair and reasonable. Necessary expenses are those deemed to be reasonable and essential for an adequate defense.
3. Meals will be reimbursed, at the current state rate, only when it was necessary for the attorney to travel out of the county of appointment and remain overnight. Attorneys must provide a detailed listing of the departure and return times to establish which meals will be reimbursed.
4. The following are deemed to be necessary expenses, subject to the limitations in Section II.
  - a. Fees for expert witnesses and investigators, subject also to provisions of Section III.
  - b. Costs of scientific tests or exhibits for trial demonstrations.

- c. Costs of psychiatric examinations.
- d. Extraordinary travel expenses. (Out of county of appointment, with prior approval.)
- e. Subpoena charges.
- f. Deaf or foreign language interpreters.

## **E. Expenses That Will Not Be Paid**

1. No Prior Approval: Expenses which the court did not approve prior to being incurred are not reimbursable.
2. Overhead Expenses: Expenses that are considered to be normal operating or overhead costs of a law firm such as staff, personnel, secretary, or employed paralegal time. These overhead items are deemed to be included in the attorney fee rates.
3. In-House Copy Charges: Copies for staff members or for “in-house” administrative purposes.
4. Out of Court Activities as In-Court Time: Fees for time billed as in-court time which was expended waiting for a trial or hearing to begin; conferences with defendants; witnesses; and solicitors in the courthouse; travel to and from court; and observation of co-defendants’ trials. These examples are regarded as out-of-court time.
5. Multiple Attorneys: In non-capital cases, fees and expenses for more than one (1) appointed counsel. In capital cases, fees and expenses for any attorney other than the appointed first chair and second chair.
6. Mileage: Mileage is not reimbursed in the following instances:
  - If the attorney maintains an office in the county of appointment or for some other reason has a connection with that county thereby placing the attorney on that county’s appointment list.
  - If the attorney has volunteered to be appointed or has solicited the appointment.

- Travel within the county of appointment.

Mileage is reimbursable only for extraordinary travel and for travel outside the attorney's county of appointment. Reimbursable mileage will be paid at the current state mileage rates.

7. Rental Vehicles: Absent special circumstances, if a vehicle is rented for case-related travel, reimbursement will be for the lesser of the cost of the rental vehicle plus gasoline or the mileage reimbursement at the current state rate. A receipt for rental car expenses is required. Credit card receipts or statements will not be accepted.
8. Entertainment Costs: Charges for entertainment, cover charges, and alcoholic beverages will not be reimbursed. Meals provided for or consumed at meetings between counsel, witnesses, experts, or other staff personnel will not be reimbursed.
9. Lodging: Lodging is reimbursable at the current CONUS rate, as published by the U.S. General Services Administration. (See [www.sccid.sc.gov](http://www.sccid.sc.gov) or [www.gsa.gov](http://www.gsa.gov) for lodging rates for all cities in the US including SC cities.) Incidentals such as room service, tips, telephone charges, etc., are not reimbursable.
10. Non-Service Expenses: SCCID does not reimburse non-service type expenses such as eyeglasses, hearing aids, orthopedic devices, etc. However, examinations for these problems may be paid if they relate to the defense of an individual.
11. Administrative Costs: Time spent preparing and seeking approval of the Defense of Indigents Voucher for fees and expenses and for opening and closing a file will not be reimbursed. Activities occurring after the end of a case will be carefully examined for necessity.
12. Fees/Expense Prior to Appointment: Fees or expenses incurred prior to the date of appointment to the case are not reimbursable.
13. Lay Witnesses: Compensation to lay witnesses for their time or expenses except under extraordinary circumstances.

14. Trial Attendance: Trial Attendance by Investigators, Experts and Mitigation Specialists for an entire trial will not be compensated unless extraordinary circumstances exist and the attorney obtains prior written approval from the trial court. These providers will be compensated only for their time attending portions of a trial when their presence is necessary and the services provided are within the amount pre-authorized for their service.
15. Unlicensed/Non-approved Investigator: SCCID will not reimburse the expense for any investigator whose license is not valid or current throughout the term of employment in the case, or who is not on the SCCID approved investigators' list.
16. Legal Education: The costs of Continuing Legal Education, including specialized seminars and conferences, will not be paid by SCCID.

### **III. EXPERT/PROFESSIONAL SERVICES FEES AND EXPENSES**

#### **A. Expert Fees, Investigators, etc.**

These policies apply to the use of Expert Witnesses, Psychiatrists, Psychologists, Investigators, Paralegals, Mitigation Experts, Jury Consultants, and other individual services rendered to indigent defendants for which the Commission on Indigent Defense is expected to provide funds. Payments will be made only to the Attorney of Record or to the Defender Offices and not to the individual provider. For funds for payment to be disbursed, the provider must meet the following requirements:

1. The provider of services must have a separate business address and Taxpayer Identification Number from the attorney or attorneys of record or the Public Defender's Office. An independent investigator must be properly licensed according to South Carolina law and the license must be current and remain in good standing during the period of employment in the case. Payment for use of "in-house" employed staff as investigators or paralegals is not allowed. The hourly rate paid for attorney services is intended to reflect and include office overhead.

2. Prior funding authorization from the Court is required for expert and investigative services in all non-capital and non-criminal cases. Authorization must be sought along with a supporting motion. The funding request for investigative, expert or other services may be made in an *ex parte* proceeding. To seek prior approval for such services, the attorney should submit a motion setting forth the factual justification for the request and a proposed Order to the Court.
3. The appointed attorney must submit all Funding Orders approved by the Court to SCCID within 15 days of the date of the Order. The Order must be submitted through the SCCID voucher payment system prior to the expenses being incurred. Submission of the funding order prior to the expenses being incurred will allow SCCID to address any issues with the Order prior to the attorney or service providers incurring any costs.
4. The appointed attorney must provide any retained investigator, expert, or other service provider a copy of the prior authorization order setting forth approved services and compensation limits before the provider commences work on a case. **SCCID will not reimburse any amounts in excess of the Court's prior authorization.**
5. Any voucher requesting reimbursement for an expert's services must be accompanied by an invoice for such services detailing what services were actually performed. Billings and Invoices need not divulge case or defense-sensitive information but must account for the provider's time, rates, and expenses rather than stating only the totals billed for each activity. By submitting a voucher for reimbursement, the attorney supervising the expert certifies that they have reviewed the expert's billing, that the billing is proper and that SCCID is only being billed for necessary services authorized by the attorney.
6. Payment in excess of the statutory limit is authorized only if the court certifies, in a written order with specific findings of fact prior to the service provider's fee or expense being incurred, that payment in excess of the limit is appropriate because the services to be provided are reasonable and necessary to provide adequate defense. If prior approval by written order of the court is not obtained, no additional expenses will be paid under any circumstances.

## **B. Advanced Payment of Funds for Expert and Other Services**

1. The policy of SCCID is not to advance funds to cover expenses except in extraordinary instances, such as court-approved witness travel and lodging costs. Pursuant to the Memorandum of Chief Justice Toal, dated July 8, 2005 and S.C. Code Ann. Section 17-3-50(B) (2003), when requests for investigative, expert, or other services in excess of the statutory limits are received, circuit court judges should closely examine the need for the services. Rather than seeking advance expenses, counsel should seek authorization for incurring expenses for a specific reason and up to a specific amount. When authorized by the Court, SCCID will need only the order, the invoice for services rendered, and the electronic voucher submission to process the payment.
2. SCCID makes every effort available to expedite voucher processing; however, SCCID must process all requests for payment through the State Comptroller General's Office. The State Treasurer then issues payment to the attorney. This process may create a delay in payment to the attorney since the administrative requirements of each agency must be satisfied.

## **IV. TRANSCRIPTS**

The court reporter's fee for providing the transcript of the trial proceeding may be reimbursed only after direct submission by the court reporter of a letter of transmittal showing the case name and number, the nature of the proceeding, the reporter's name, address, and social security number, a copy of the written request for transcript, a copy of the order of appointment of the requesting party as counsel, and a completed court reporter's bill (Form SCCA DI-4). Provision of transcripts and billing rates are to conform to the guidelines set out in Rule 508, SCACR, and are applicable to state court reporters as well as independent court reporters. Only the cost of one (1) original or one (1) copy of any transcript per defendant, regardless of the number of counsels, may be reimbursed out of the defense fund.

**If you have any questions or your concern is not specifically addressed here, please call SCCID at 803-734-1343**